

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANGEL FERMIN DELGADO,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 2:19-cv-254

Crim No. 2:17-cr-119


Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

**OPINION AND ORDER**

On February 14, 2019, the Magistrate Judge issued a *Report and Recommendation* ("R&R"), ECF No. 41, recommending that the motion to vacate under 28 U.S.C. § 2255, ECF No. 40, which was construed as a motion made under 28 U.S.C § 2241, be dismissed without prejudice because this Court lacks jurisdiction to entertain Movant's claim. Although the parties were advised of the right to object to the R&R, and of the consequences of failing to do so, no objections have been filed. The R&R, ECF No. 41, is therefore, **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

  
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**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**